

REMARKS

The Office Action mailed December 29, 2006, has been carefully considered. The present Amendment is intended to be a complete response thereto and to place the case in condition for allowance.

Applicant gratefully acknowledges the courtesy during the telephone interview on March 14, 2007, in which Examiner Yan and Minh-Quan K. Pham (Reg. No. 50,594) discussed the prior art and claim language to distinguish the present invention from the prior art. The present Amendment incorporates the features discussed during the interview.

Claims 1 and 4-10 are pending. Claims 2-3 and 11-12 have been cancelled without prejudice. Claims 1 and 10 have been amended to emphasize that the image is visible in darkness but essentially invisible under normal lighting conditions, not the luminous elements..

THE CLAIMS ARE NOT ANTICIPATED

Claim 1 and 4-10 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Lange (U.S. Patent No. 2,885,561). Applicants respectfully traverse the rejection.

To anticipate a claim under 35 U.S.C. § 102, the reference must teach every element of the claim. *See* MPEP § 2131. Lange fails to teach every element of the claimed invention. In particular, the reference fails to disclose that “the image is visible in the dark but essentially invisible under normal lighting condition” as recited in independent claims 1 and 10.

The present invention is drawn to a dial having an image thereon that is formed from luminescent elements. In the dark, the image is visible due the light emitted from the luminescent elements. When under normal lighting condition, the normal light drowns out the luminescence and the image (not just the luminescence) becomes invisible.

Lange discloses a luminescent indicating device containing indicia thereon. The indicia (image) is formed of a luminescent body, such that “the indicia will appear in lighted surroundings in the natural color of the reflecting layer, will show light rays emitted from the luminescent body when looked at in the dark.” Column 2, lines 18-21. As such, in the dark, the indicia (image) is visible from the light emitted from the luminescent body; and in the light, the indicia is also visible, but in a different color. According to Lange, under normal lighting, the luminescence is invisible; however, the indicia (image formed by the luminescent body) is still visible, albeit at a different color. At no time is the indicia invisible.

On pages 4 and 5 of the Office Action, the Examiner alleges that “the luminous elements are *essentially* invisible under *normal* lighting conditions.” To arrive at this conclusion the Examiner reasoned that “when the light level is high enough, the light reflecting off the translucent layer 30 over powers the light emitted from the luminescent elements 20, making the reflecting layer visible, but the luminous layer invisible.” Office Action, page 5, first paragraph. The Examiner’s conclusion, however, is erroneous and is not in comport with the disclosure of Lange. According to the invention of Lange, when the normal light drowns out the luminescent light, the luminescence cannot be visualized; however, the indicia (image) is still visible at the color of the reflecting layer. *See* column 2, lines 18-21; column 1, lines 38-45; and column 4, lines 69-73. As such, the color of the indicia of Lange during normal lighting is the natural color of the reflecting layer; while during darkness, it shows the color of the luminescent body. Column 2, lines 19-21. At no time is the indicia (image) of Lange invisible.

From closely reading the reference, Lange clearly intends his indicia to be visible in normal lighting. Column 1, lines 38-45, reads as follows:

It is another object of the present invention to provide an indicating device having luminescent indicia which in daytime have the appearance of a pleasing and strong color.

It is still another object of the present invention to provide an indicating device such as a watch or the like which can be read in the dark while showing in daylight indicia of a pleasing color and smooth surface.

(emphasis added). In addition, Lange discloses that “[t]he metal mirror layer [layer 30] or interference mirror layer causes the sharply defined configuration of the luminescent body to have in daylight a metallic or brilliantly colored appearance.” Column 3, lines 7-11 (emphasis added). Other disclosures, such as in column 4, lines 69-73, also show that Lange intends his indicia to be visible in daylight. These disclosures support Applicant’s assertion that the indicia (image) of Lange is visible in day light, even though the luminescence is not visible. There is no disclosure in the reference of an invisible image under lighting condition. Clearly, not only Lange fails to teach an invisible image under lighting conditions, the reference’s teaching is inapposite to the present invention where the image formed by the luminescent elements is invisible under normal lighting condition.

Therefore, for the reasons above, Lange fails to anticipate the present invention within the meaning of 35 U.S.C. § 102. Accordingly, Applicants respectfully request withdrawal of the rejection.

CONCLUSION

Applicant has responded to the Office Action mailed December 29, 2006. All pending claims are now believed to be allowable and favorable action is respectfully requested.

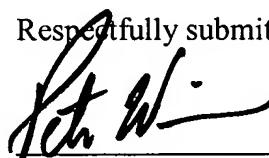
In the event that there are any questions relating to this Amendment or to the application in general, it would be appreciated if the examiner would telephone the undersigned attorney concerning such questions so that the prosecution of this application may be expedited.

Please charge any shortage or credit any overpayment of fees to BLANK ROME LLP, Deposit Account No. 23-2185 (116598-00114). In the event that a petition for an extension of time is required to be submitted herewith and in the event that a separate petition does not accompany this response, applicant hereby petitions under 37 C.F.R. 1.136(a) for an extension of time.

Any fees due are authorized above.

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Respectfully submitted,


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